

REMARKS

This is a response to the office action issued Jan. 1, 2006. Claims 9-23 are currently pending.

The applicant would like to thank examiner Beaulieu for his time in a recent telephone call concerning the case.

The examiner has rejected claims 9-12, 15 and 16 under 35 U.S.C. 102(e) as being anticipated by Bruce et al. Claims 13, 14 and 17-23 were rejected as being unpatentable over Bruce et al. in view of Desai et al.

Bruce et al. fail to teach displaying construction information on a telemetrics device in the vehicle. In fact, they teach away from this. "The map routing application software generates text route instructions in a format that is human or machine-readable. The text route instructions can then be transmitted to the operator console 18 to allow the operator to view the route instructions. The operator may then relay the route instructions to the caller." [Bruce et al., Col 9, lines 52-57]. Bruce et al. teach 1) relaying driving instructions to a caller directly by voice; 2) relaying driving instructions to a PC via a modem, and 3) relaying driving instructions to an audio

box. [Bruce et al., Cols. 9-10, lines 58-34]. In no case, does Bruce et al. ever teach displaying construction information in the vehicle.


Desai et al. fail to teach anything about road construction. The word construction does not appear anywhere in Desai et al. Any teaching of Desai et al. concerning lanes involves only navigation. It is well known the roads include lanes. They refer to times in terms of times when things like left turns become prohibited. Thus there can be no suggestion to combine Bruce et al. with Desai et al.

To make a prima facie case of obviousness, the examiner must "explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious." "When the Board (examiner) does not explain the motivation, or the suggestion or teaching that would have led the skilled artisan at the time of the invention to the claimed combination as a whole, we infer that the Board used hindsight to conclude that the invention was obvious." In re Leonard R. Kahn, Fed Circuit 04-1616 (Serial No. 08/773,282) (Fed. Cir. 2006) referencing In re Rouffet, 149

F.3d 1350 (Fed. Cir. 1998) (word "examiner" added in quotes).

For the above-stated reasons, the examiner will find that the case is now in condition for allowance. The examiner is respectfully requested to place the case in condition for allowance at his earliest convenience.

Respectfully Submitted



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Date: APRIL 10, 2006

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